

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA                    )  
  )  
  )  
v.    ) CRIM NO. 2:05CR137-F  
  )  
GEORGE DAVID SALUM                        )

**MOTION FOR A DIRECTED VERDICT**

COMES NOW the Defendant, George David Salum, by and through his undersigned counsel, and moves this Honorable Court to Direct A Verdict against the Government in its case in chief, and dismiss the government's case. As grounds therefore, the undersigned shows the following:

1. With respect to the obstruction of justice charge, the federal government has failed to offer proof of several essential elements of the charge against this defendant. Particularly, the federal government has failed to enter evidence that (1) **George David Salum knew Raymond DeJohn was a witness in a pending federal case.** Secondly, (2) the Federal Government has failed to prove that George David Salum **"endeavored to influence, intimidate, or impede"** Raymond DeJohn, preventing him from discharging his duty as a witness. Further (3) the federal government **has failed to prove that defendant Salum had any knowledge** that DeJohn was a witness in the case.
2. Further, the federal government has failed to prove that Defendant George David Salum (a) **knowingly**, and/or (b) **corruptly**, and/or (c) **willingly** did any of these things.

3. The Federal Government has also failed to prove that their witness Johnny White wanted to (a) obstruct justice, and (b) that defendant Salum knew that Johnny White had a plan to do so, and © that defendant Salum willfully associated, in some way, with the crime and willfully participated in it. In other words, the federal government has failed to prove the necessary knowledge, or ***mens rea***, or guilty intent, on the part of George David Salum as a defendant.
4. The defendant also moves to dismiss this case for all grounds stated in his original Motion to Dismiss Indictment, including the fact the statute 18 USC § 1503 is vague and indefinite, and fails to apprise this defendant, or any potential defendant, of what he may have done wrong, in advance of being so charged. Further This defendant hereby incorporates by reference all grounds stated in his original motion to dismiss the indictment on file with this court, the same as if more fully stated herein.
5. With respect to the computer fraud charge, defendant Salum moves this Honorable Court to dismiss said case because the government has failed to offer evidence that **George David Salum (1) intentionally exceeded authorization** to use a computer, and that **(2) defendant Salum knowingly exceeded his authorization to get his information from the government, and that defendant Salum knowingly did these things in exchange for money, or to commit a crime.** Further, the evidence will show that defendant Salum and Johnny White were members of the greater Montgomery area law enforcement community at the same time, and that

therefore, in Defendant Salum's mind, Johnny White had a legitimate reason to be seeking the information. The government has admitted that Johnny White was a lieutenant, or was holding himself out as a lieutenant at the time all this took place.

6. The federal government's case fails to rise to the level of evidence sufficient to convict this defendant of any of the charges, and therefore, the charge of obstruction of justice and computer fraud are due to be dismissed as a matter of law.

RESPECTFULLY submitted this the 8<sup>th</sup> day of November, 2005.

/s/ Julian L. McPhillips, Jr.  
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**CERTIFICATE OF SERVICE**

I certify that, on this date, I have served a copy of the foregoing upon the Government by electronic filing, and by mailing an additional courtesy copy of same to the Government's attorneys at the addresses below:

Hon. Dixie Morrow  
Assistant United States Attorney  
Northern District of Florida  
21 E. Garden Street, Ste. 400  
Pensacola, FL 32502

/s/ Julian L. McPhillips, Jr.  
By: JULIAN L MCPHILLIPS JR